

AB 2150  
Repeat Hate Crime Offender Felony Enhancement

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Sponsor: Marin County District Attorney

BACKGROUND

Currently, perpetrators of a misdemeanor hate crime can be charged with a felony hate crime if they have been previously convicted of a misdemeanor hate crime.

However, a loophole in the law prevents district attorneys to elevate a misdemeanor hate crime to a felony hate crime if the previous conviction for was a felony hate crime instead of a misdemeanor hate crime.

Marin County is currently prosecuting an individual who, three months into probation for a felony hate crime against an African American woman, committed a racially motivated misdemeanor battery on another African American woman. Current law prevents the District Attorney from charging the perpetrator with a felony offense on the second crime.

A felony conviction results in state prison time; misdemeanors are jail only (and/or fines; but no state prison). Misdemeanors can be punished with six months to one year in county jail.

SPECIFIC PROVISIONS OF AB 2150

This bill would further allow a misdemeanor hate crime to be enhanced to a felony hate crime if the perpetrator was convicted of a previous felony hate crime.

If you support this legislation please send letters to:

Assembly Member Judy Chu  
State Capitol, Room 5126  
Sacramento, CA 95814

For more information, please contact Bill Wong at [william.wong@asm.ca.gov](mailto:william.wong@asm.ca.gov).